



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. Patent Application of Jose Walter

USSN 09/909,893

Filed: July 23, 2001

Title: Disposable Articulator Having at Least One Continuous Opening for Acceptance
of Stabilization Means

Declaration of Inventor

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I declare that I am the inventor of the cited patent application. I am also vice president of Cbite.

During 2002, namely May 1, 2002 and November 1, 2002, Cbite moved it's office twice. I do not remember seeing communications sent from the Patent Office or our attorney regarding this application during that time or in the following year. I am not sure whether the communications reached our office but were not transferred to me or were lost. Furthermore, I did not understand that delay in responding to the Patent Office resulted in abandonment.

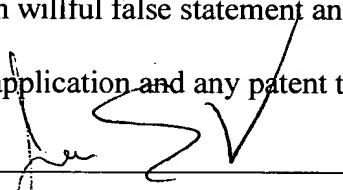
In March of 2006, I understood, in a conversation with Ms. Hendricks, our patent attorney, that the application had gone abandoned, that she had filed a Notice of Appeal and that we had never given her permission to provide a Brief on Appeal. I then determined, in conversation with Mr. Belleza, that he had not intended to abandon the application and that he did not recall seeing letters relating to the need to file a Brief.

I further declare that at no time during the period since abandonment did Cbite intend to abandon the application. The abandonment is completely contrary to our

intentions. The entire delay in filing the Brief on Appeal was unintentional. I, therefore, request that the application be revived to provide continuing pendency in accord with the Request for Continued Examination filed July 19, 2006.

I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement and the like so made may jeopardize the validity of this patent application and any patent that issues therefrom.

Date: 02/06/07

By 

Jose Walter, Inventor



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. Patent Application of Jose Walter

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Declaration of Assignee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I Declare that I am the president of Cbite, Inc., to which the cited patent application was assigned. The inventor is vice president of this company.

During 2002, namely May 1, 2002 and November 1, 2002, we moved our start-up company twice and were in the process of moving our office. During that time there was some confusion in the office. It appears that communications from our attorney were lost during that period.

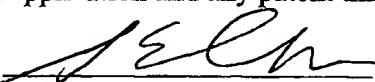
In March of 2006, I understood, in a conversation with Ms. Hendricks, our patent attorney, that the application had gone abandoned, that she had filed a Notice of Appeal and that we had never given her permission to take action required to maintain the application. A search of our property leads me to believe that the communications from Ms. Hendricks must have been lost, since I can not find the letters sent by her.

I further declare that at no time did Cbite intend to abandon the application. The abandonment is completely contrary to our intentions. I, therefore, request that the

application be revived to provide pendency with a patent application filed with the petition to revive prepared by our attorney.

I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement and the like so made may jeopardize the validity of this patent application and any patent that issues therefrom.

Date: 7-14-06

By 

President of Cbite



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Declaration of Attorney

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Glenna Hendricks, declare that I am the patent attorney of record for the cited application. I hereby declare the following:

On June 18, 2003, I filed a Notice of Intent to Appeal along with a Response to a final office action with the U.S. Patent and Trademark Office. On that same day I wrote a letter to the inventor and the president of Cbite, Mr. Belleza, suggesting a petition be filed relating to entering of amended claims (Copy attached, advise to client expunged). I received no answer. In a letter dated August 1, 2004 a letter indicating the need to either file a continuation application or a Brief was sent (copy attached). No answer to either letter was received.

During the time when it would have been appropriate to file a Brief with extensions, I spoke to Mr. Walter, asking what they intended to do. I was told that they were making changes and that costs were a major consideration.

In March of this year, Mr. Belleza told me they were concerned about the patent application. I explained that I had not received communication from him

regarding the filing of a petition or brief. He stated that he had not seen the letters from me, and that during and after the moves, some mail may have become lost. Delay since discovery applicant had not intended to abandon was occasioned by requirement for the assignee and the attorney to perform lengthy searches of all files for communications and attempt to find Notice of Abandonment. (Records were now in storage.)

The inventor, when discussing another invention, was asked about the cited application. He had expressed concern for costs and that they were making changes. Hence, I believed the inventor and assignee either did not intend to pursue the matter further or that they had changed attorneys or were pursuing matters on their own.

I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement and the like so made may jeopardize the validity of this patent application and any patent that issues therefrom.

Date: 2/20/06 By Elmer H. Clark